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BANNER & WITCOFF, LTD			HAJNICK, DANIEL F	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/078,372	<b>Applicant(s)</b> KRAFT ET AL.
	<b>Examiner</b> DANIEL F. HAJNIK	<b>Art Unit</b> 2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 January 2011.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6,8-13 and 15-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6,8-13,15,16 and 19-26 is/are rejected.  
 7) Claim(s) 17 and 18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No./Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No./Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6, 8, 12, 13, 15, 16, 19-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US Patent 5,870,683) in view of Joseph (US Patent 5,873,106).

As per claim 1, Wells teaches the claimed:

1. A method comprising:

receiving, by a computing device, a user-selection of a time-based sequence of images (in the abstract, "the mobile station is adapted to enable the user to selectively: enable or disable the display of a graphical information sequence; and/or select a graphical information sequence to be displayed from a plurality of pre-stored graphical information sequences"; please note, emphasis is added to this quote with underlining and others like it from the prior art in this office action), the time-based sequence of images including first images (in figures 4A-4C where the first image frame is an animation sequence is a first image; also see col 5, lines 17-18) in a predetermined display order with predetermined time intervals between the first images (in figure 1 where the images are displayed on display 20 and col 4, lines 1-3, "displayed

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sequentially present an information and/or promotional and/or entertainment message on the display 20 using a certain frame (refresh) rate"; one of ordinary skill in the art would recognize that a certain frame rate or refresh rate has a certain predetermined time interval between each image as it is displayed; also see col 4, lines 20-22 as well), and the time-based sequence of images being associated with a window size (col 5, lines 46-53); receiving one or more user instructions for modifying the display layout (col 2, lines 26-33 where the user can control the animation display and its layout); and

storing the time-based sequence of images according to the display layout, resulting in a stored version of the time-based sequence of images that is supported by the application of the mobile device (col 3, lines 57-60 where the memory stores a time-based sequence of images such as the images in figures 4A-4C; the reference teaches of an application of the mobile device in *col 4, lines 11, where it states "an application program of the mobile station 10"*).

Wells does not explicitly teach the remaining claim limitations.

Joseph teaches the claimed:

comparing the window size with one or more window size parameters for an application of a mobile device to determine whether the window size is supported by the application of the mobile device (in col 10, lines 22-40; Joseph teaches of determining whether the window size is supported by the application of the mobile device in col 10, lines 22-28 where it states:

**SetChanged** methods. The RequestGeometry method is typically called by the child object of a parent container to request a new geometry. The ISULayoutManagement object receives an indication of the child object and the requested geometry, and it returns a reply geometry and a result. If the geometry is approved by the parent container, then the container sets the result return value to SUGeometryYes.

In this instance, the reply from the parent container is the claimed determining whether the window size is supported or not; Further, in this reference, the child window is requesting a resizing; the parent or container object determines whether this resizing is supported or not; if the resizing is supported then the parent container approves the resizing of the child window; also see col 4, lines 58-63 where it states:

over the geometry of the child object. When a child object requires resizing, the child object calls a RequestGeometry method contained in the corresponding container object. For example, to set the inner width and outer height of an object, the child object calls the RequestGeometry in the container object. Based on the specified parameters, the container determines whether a given geometry is feasible. If the

In this case, the window size parameters are the width and height and dimensions of the windows to be displayed; window size parameters or window attributes are shown in col 9, lines 12-19);

responsive to determining that the window size is not supported by the application of the mobile device, displaying, on a display of the computing device, one or more of the first images with an indication of the allowable window size in a display layout (col 9, lines 32-43 where the minimum and maximum size-related attributes are the allowable window size; in addition, this

passage states that if the child object window is not within the permissible size range, then it is readjusted to an allowable window size).

It would have been obvious to one of ordinary skill in the art at the time of invention to use the window resizing of Joseph with Wells. Joseph teaches one advantage of the combination (col 1, lines 50-55). Wells can be modified by Joseph by incorporating the resizing of Joseph and applying it to images in figures 4A-4C of Wells.

As per claim 5, Wells teaches the claimed:

5. A method according to claim 1, further comprising: receiving an input for changing one or more pixels of the stored version of the time-based sequence of images (col 5, lines 41-47 where the user can input or select a desired animation to be played; by selecting the animation this changes the pixels in each animation frame that are stored and then displayed on the screen).

As per claim 6, Wells does not explicitly teach the claimed limitations.

Joseph teaches the claimed:

6. A method according to claim 1 wherein a first user instruction of the one or more user instructions modifies the display layout by moving the indication of the allowable window size (col 5, lines 36-40 where the user using a drag and drop operation during layout design indicates or modifies the allowable window size; also see col 6, lines 24-28 and col 9, lines 33-40).

It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the interactive display layout as taught by Joseph with the teachings of Wells. The motivation of claim 1 is incorporated herein.

As per claim 8, the reasons and rationale for the rejection of claim 1 is incorporated herein.

Wells teaches the claimed:

a processor; and a display (see col 3, lines 16-20 and in figure 1, pieces 18 and 20).

As per claims 12 and 13, these claims are similar in scope to limitations recited in claims 5 and 6, respectively, and thus are rejected under the same rationale.

As per claim 15, Wells teaches the claimed:

15. The method according to claim 1, wherein the computing device is the mobile device (col 2, lines 63-64).

As per claim 16, this claim is similar in scope to limitations recited in claim 15, and thus is rejected under the same rationale.

As per claim 19, the reasons and rationale for the rejection of claim 1 is incorporated herein.

Wells teaches the claimed:

A non-transitory memory (col 3, lines 43-44).

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As per claim 20, this claim is similar in scope to limitations recited in claim 6, and thus is rejected under the same rationale.

As per claim 21, Wells teaches the claimed:

21. The non-transitory memory of claim 20, wherein the apparatus is the mobile device and the first user instruction is received via a key of the mobile device (in col 2, lines 63-64 and in figure 1, piece 22).

As per claim 22, Wells teaches the claimed:

22. The method of claim 1, further comprising:

displaying the stored version of the time-based sequence of images (see figure 1, piece 20 and figures 4A-4C);

stopping the displaying of the stored version of the time based sequence of images and displaying a last image of the stored version of the time-based sequence of images one of said sequence of images when is stopped (see col 5, lines 18-19 where the last frame is displayed; *this last frame is the claimed "last image" in the animation or time-based sequence of images;* and col 6, lines 30-37 where the animation is stopped).

As per claim 23, Wells teaches the claimed:

23. The method of claim 1, further comprising:

receiving an input for adding movement to the stored version of the time-based sequence of images wherein adding movement to the stored version of the time-based sequence of images

causes the stored version of the time-based sequence of images to be moved in one or more directions at one or more pixel offsets when the stored version is displayed (col 7, lines 10-15 where the direction or movement is controlled and col 5, lines 60-63 where the refresh rate controls speed).

As per claim 25, this claim is similar in scope to limitations recited in claim 23, and thus is rejected under the same rationale.

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Claims 2-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US Patent 5,870,683) in view of Joseph (US Patent 5,873,106) in further view of Gever et al. (US Patent 6,313,835).

As per claim 2, Wells does not explicitly teach the claimed limitations.

Gever teaches the claimed:

2. A method according to claim 1, further comprising: receiving, an input for setting a loop parameter of the stored version of the time-based sequence of images, the loop parameter identifying a number of times the stored version of the time-based sequence of images is to be repeated (see the animation sequence editor options window in figure 5, this feature is shown for piece 112; also see piece 108 which indicates that repeating or looping is occurring).

It would have been obvious to one of ordinary skill in the art at the time of invention to control the number of times repeating occurs as taught by Gever with the teachings of Wells in order to give the user more control and flexibility over the displaying of the animation.

As per claim 3, Wells teaches the claimed:

3. A method according to claim 2, further comprising:

displaying the stored version of the time-based sequence of images (see figure 1, piece 20 and figures 4A-4C).

Wells does not explicitly teach the remaining claim limitations.

Gever teaches the claimed:

comparing, the loop parameter with a threshold to determine whether the loop parameter exceeds the threshold (in figure 3, pieces 47 and 49 where scene and frame counters are used and col 13, lines 43-53; the system would have to perform the claimed comparing in order for the system to function properly with the control 112 in figure 5); and responsive to determining that the loop parameter exceeds the threshold, stopping the displaying of the stored version of the time-based sequence of images (also in col 13, lines 43-53 where the number set in control 112 in figure 5 is the claimed "threshold").

It would have been obvious to one of ordinary skill in the art at the time of invention to control the number of times repeating occurs as taught by Gever with the teachings of Wells.

The motivation of claim 2 is incorporated herein.

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As per claim 4, Wells teaches the claimed:

4. A method according to claim 3, further comprising: subsequent to stopping the displaying of the stored version of the time-based sequence of images, restarting display of the stored version of the time-based sequence of images (col 4, lines 41-44 where in order to repeat or cycle this requires that after stopping the first sequence this sequence in turn is started up again; This restarting of the sequence is what makes the repeating of the animation).

As per claims 9-11, these claims are similar in scope to limitations recited in claims 2-4, respectively, and thus are rejected under the same rationale.

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Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US Patent 5,870,683) in view of Joseph (US Patent 5,873,106) in further view of Aihara (US Patent 6,223,190).

As per claim 24, Wells does not explicitly teach the claimed limitations.

Aihara teaches the claimed:

24. The method of claim 1, further comprising receiving an input to add text to the stored version of the time-based sequence of images (col 2, lines 27-29, *"There, the user formats the document by, for example, annotating the image with, for example, descriptive text"* ).

It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the annotating as taught by Aihara with the teachings of Wells in order to make the text messages in Wells in figure 3 more interesting by mixing images with the text.

As per claim 26, this claim is similar in scope to limitations recited in claim 24, and thus is rejected under the same rationale.

#### **Allowable Subject Matter**

Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Please note that the menu operations as described in claim 17 taken alone by themselves are not allowable. These steps however are allowable when taken in combination with all the other features as disclosed in claim 17 and its base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the cited prior art does not disclose or render obvious the combination of elements recited in the claims as whole. Specifically, the cited prior art fails to disclose or render obvious the following limitations: the edit image menu, add text menu, loop setting menu, resizing menu, and add moving menu in combination with the window sizing operations, the window size comparing operations, and the determining of whether the window size is supported by the application of the mobile device in combination with the time-based image-sequences.

### **Response to Arguments**

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL F. HAJNIK whose telephone number is (571)272-7642. The examiner can normally be reached on Mon-Fri (8:30A-5:00P).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel F Hajnik/  
Primary Examiner, Art Unit 2628